

Remarks

In response to the Office Action mailed March 14, 2005, Applicants respectfully request that the Examiner reconsider the objections and rejections of the remaining claims.

Claims 1-11 are pending in the Application.

Claims 1-11 stand rejected.

Claims 4 and 5 stand objected to.

Objections under 35 U.S.C. § 112

Claims 4 and 5 stand objected to because of "multiple meanings in the computer art" of the term "performance of operations." *See* Office Action mailed 03/14/2005, p. 2, paragraph 4. As originally filed, claims 4 and 5 contained typographical errors and have been amended to replace the term "requests for the performance of operations" with the term "operation requests."

Rejections under 35 U.S.C. § 112

Claims 1-5 and 11 stand rejected under 35 U.S.C. § 112, ¶2 as indefinite because "it is not clear what will be passed." *See* Office Action mailed 03/14/2005, p. 2, ¶ 6. Claim 1, as originally filed, contained a grammatical error. Applicants have amended claim 1 to correct the grammatical error.

Claim 2 stands rejected because the term "respective ones" is not clear. *See* Office Action mailed 03/14/2005, p. 3, ¶ 7. The term "respective ones," as originally filed, should be read as part of the phrase, "respective ones of said device control units." The term does not refer to "operation requests," except to the extent that the permitted operation requests are passed to "respective ones of said device control units."

Claims 4 and 5 stand rejected because the term "the performance of operations" lacks antecedent basis. *See* Office Action mailed 03/14/2005, p. 3, ¶ 8. Claims 4 and 5 have been amended to eliminate the phrase "the performance of operations."

Claim 11 stands rejected because the phrase "wherein the secure resources include the vehicle's internal device control unit" is addressed to the preamble of claim 10 and the purpose of

the limitation is not understood. *See* Office Action mailed 03/14/2005, p. 3, ¶ 9. Claim 11, as originally filed, depends from claim 10 and further recites that "the secure resources include the vehicle's internal device control units." The term "secure resources" appears in the preamble of claim 10 and again in the body of claim 10. Claim 11 recites limitations that are not in claim 10, and therefore claim 11 does not "stand or fall" with claim 10.

Claim 3 stands rejected "by virtue of their dependence." *See* Office Action mailed 03/14/2005, p. 3, ¶ 10. Claim 3 is currently amended to more accurately and consistently refer to claim elements, specifically "static operating system environment" and "first data processing unit (A)." Furthermore, claims 1 and 2 have been amended, and any rejections based on "dependence" are no longer applicable.

Rejections under 35 U.S.C. § 102

Claim 6 stands rejected under 35 U.S.C. § 102(e) as anticipated by *Colson* (U.S. patent number 6,236,909). A claim is anticipated only if every element as set forth in the claim is found in a single prior art reference. MPEP § 2131. An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 545 (Fed. Cir. 1998). Further, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

The Examiner has not established a *prima facie* case that *Colson* anticipates claim 6. The Examiner cites *Colson's* computing platform 102 as claim 6's "first data processing unit." *See* Office Action, ¶ 12. The Examiner then cites to *Colson's* gateway 122 as disclosing the second data processing unit. *See id.* the Examiner goes on to cite bus 116 as the "data communications link between the first and second data processing units." *See id.* This interpretation of *Colson* is incorrect and does not anticipate claim 6. Bus 116 is not a data communications link between computing platform 102 (the Examiner's cited "first data processing unit") and gateway 122 (the Examiner-cited "second data processing unit"). Further, *Colson's* registry 108 is not a "gateway

component for controlling communications across the link." Registry 108 is described as storing software applications. *See Colson*, col. 5, lines 47-49. Component registry 108 includes a registration mechanism 204 and a discovery mechanism 206 by which applications can locate component registry 108. *See Colson*, col. 6, lines 60-64. In short, registry 108 is not a gateway for controlling communications across bus 116 and bus 116 is not "a data communications link" between gateway 122 and computing platform 102. Further, *Colson* does not disclose a gateway component for controlling communications across the link (bus 116) that limits the operations which can be performed at the first data processing unit (computing platform 102) to only a predefined set of permitted operations in response to requests from the second processing unit (gateway 122). In summary, *Colson* does not describe the subject matter of claim 6 with sufficient clarity and detail to anticipate claims 6. *Colson* does not disclose every limitation of claim 6. The Examiner has not established a *prima facie* case that claim 6 is anticipated by *Colson*. Therefore, claim 6 is patentable over *Colson*, taken alone or in combination with the other references.

Rejections under 35 U.S.C. § 103

Claim 7 stands rejected as obvious over *Colson* in view of *Bossemeyer*. These rejections are traversed.

Claims 1-2 and 8-11 stand rejected as obvious over *Colson* in view of *Parrillo* and in view of *Nathanson*. Claims 9-11 are rejected for the same reasons as claim 1. *See* Office Action, paragraph 17. Claims 1 and 4 stand rejected as obvious over *Colson* in view of *Parrillo*. *See* Office Action, paragraph 23.

Claim 3 stands rejected as obvious over *Colson* in view of *Parrillo* and in view of *Nathanson* and further in view of *Serughett*. *See* Office Action, paragraph 20.

Claim 5 stands rejected as obvious under *Colson* in view of *Parrillo* and further in view of *Serughett*. *See* Office Action, paragraph 25.

The basic test for nonobvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would not have been obvious to a person having ordinary skill in the art to which the subject matter

pertains. The United States Supreme Court in *Graham v. John Deere & Co.*, 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) a determination of the scope and contents of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art.

Determining Scope and Content of Prior Art

In determining the scope and content of the prior art, the Examiner must first consider the nature of the problem on which the inventor was working. Once this has been established, the Examiner must select, for purposes of comparing and contrasting with the claims at issue, prior art references which are reasonably pertinent to that problem (the inventor's field of endeavor). *See Heidelberg Druckmaschinen AG v. Hantscho Commercial Products, Inc.*, 30 U.S.P.Q.2d 1377, 1379 (Fed. Cir. 1994). In selecting references, hindsight must be avoided at all costs.

The subject matter of the present invention relates security for control systems of vehicles which have access to computer networks. *See* Specification, p. 1, lines 5-6. If remote access to a vehicle's internal buses is possible, then there may be a risk of hackers interfering with a vehicles internal communications and changing system parameters or triggering operations with which could lead to control faults. *See* Specification, p. 2, lines 4-7.

Colson relates to a system with which a computing platform for automobiles can be constructed using software components. *See Colson*, ABSTRACT. Applications can be written to run on an automotive computing platform to access the device functionality using JavaBeans components. *See id.* according to *Colson*, software applications need be written in a manner that is independent of device implementation and device configuration. *See Colson*, col. 2, lines 14-16. When applications are written to standard APIs (application programming interface), they are more portable across car models and add-on device populations. *See Colson*, col. 2, lines 16-20.

Bossemeyer discloses a home gateway system that includes a transceiver connected to a switch. *See Bossemeyer*, ABSTRACT. A processor is connected to the switch and provides intelligent functions for the switch. *See id.* Figure 1 of *Bossemeyer* is a schematic diagram of a

home gateway system with telephony functions connected to a variety of communication carriers. *See Bossemeyer*, paragraph [0032]. According to *Bossemeyer*, because homeowners often have a variety of machines for receiving information services such as a cable receiver box telephones, answering machines, and local area networks, there exists a need for a home gateway system that can integrate the functions of these various devices, so the user need not concern himself with the particular carrier providing the service. *See Bossemeyer*, paragraph [0003]-[0004].

Parrillo discloses a transceiver and additional memory connected to a microprocessor in a vehicle so that operating data is stored in the memory and periodically transmitted to a remote station. *See Parrillo*, ABSTRACT. It is a purpose of *Parrillo* to provide a new and improved wireless diagnostic system for mobile and stationary vehicles. *See Parrillo*, col. 1, lines 26-30.

Nathanson discloses a mobile automotive telemetry system for installation aboard a vehicle. *See Nathanson*, abstract. The telemetry system includes a diagnostic structure for monitoring operational functions of the vehicle, a memory for storing the generated operational information, and a server. *See id.* It is an object of *Nathanson* to obviate and mitigate disadvantages of conventional onboard automotive diagnostic systems that require, for example, certain OBD (onboard diagnostic) protocols and cables. *See Nathanson*, col. 1, lines 36-50.

Serughett discloses a specification that was developed by a consortium of automotive companies and suppliers. The specification has a wide range of vehicle applications and is designed to efficiently target different processors. The communication specification is designed to ensure the portability of application software and the independence from underlying network hardware and communication protocols.

Differences Between Prior Art and Claims

The second step within the test described in *Graham* is to ascertain the differences between the cited prior art and the claims at issue. A *prima facie* showing of obviousness requires the Examiner to establish that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention. The showings must be clear and particular. *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

Claim 7 depends from of claim 6. Claim 6 recites a data processing apparatus including a first data processing unit and a second data processing unit. The first data processing unit is connected to one or more security-critical resources. The second data processing system is connected to an external communications network such that operation requests can be received from the external network. The data processing apparatus includes a data communications link between the first and second data processing units. The data processing apparatus also includes a gateway component for controlling communications across the link. The gateway component limits the operations which can be performed at the first data processing unit in response to requests from the second processing unit. Operations are limited to only a predefined set of permitted operations.

Regarding claim 7, there are fundamental differences between *Colson* and the claimed subject matter. First, *Colson* attempts to solve a different problem than the present invention. Rather than addressing security issues related to data processing systems connected to one or more security-critical resources, *Colson* strives to have interoperability in software (in automobile applications) due to modularity, for example. See *Colson*, col. 1, lines 15-27. Further, as discussed above with regard to claim 6, *Colson* does not disclose every element of claim 6. Claim 7 depends from claim 6 and therefore recites the limitations of claim 6. Therefore, *Colson*, taken alone or in combination with *Bossemeyer*, does not disclose every limitation of claim 6.

There are other fundamental differences between *Bossemeyer* and the subject matter of claim 7. *Bossemeyer* is not concerned with security issues related to data processing systems connected to one or more security-critical resources. *Bossemeyer* relates to and discloses a home gateway system that provides a way of combining the functions of and integrating the information carrying needs of a telephone, caller ID, Internet dial-up, cable or satellite television. See *Bossemeyer*, paragraph [0027]. Therefore, *Colson* and *Bossemeyer*, taken alone or in combination, do not disclose all the elements of claim 7. What is more, the Examiner does not establish a *prima facie* case of obviousness by merely stating that *Bossemeyer* teaches "the data processing apparatus as discussed above." See Office Action, mailed 03/14/2005, p. 4, ¶ 14. Claim 7 recites the elements of claim 6 with additional elements, "wherein the first and second

data processing units and the link between them are implemented within a network-connected home environment, and the security critical resources include security-critical devices within the home which are managed by application programs running on the first data processing unit." A combination of *Bossemeyer* in *Colson* does not disclose each of these elements. Neither *Bossemeyer* nor *Colson*, taken alone or in combination, discloses any gateway component limiting the operations which can be performed at a first data processing unit to only a predefined set of permitted operations in response to requests from the second processing unit. Nor does any combination of *Bossemeyer* and in *Colson* disclose such an implementation within a network-connected home environment. Therefore, claim 7 is patentable over *Bossemeyer* and *Colson*, taken alone or in combination.

Claim 1 stands rejected as obvious over *Colson* in view of *Parrillo* and *Nathanson*.

As amended, claim 1 recites:

1. (currently amended) A data processing apparatus for a vehicle,
including:
 a first data processing unit (A) connected to device control units of the
vehicle;
 a second data processing unit (B) connected to communications apparatus
providing a wireless connection to an external network, such that operation
requests can be received at the second data processing unit from the external
network;
 a data communications link between the first and second data processing
units;
and
 a gateway component for controlling communications across the data
communications link, the gateway component limiting the passing of the
operation requests from the second data processing unit ~~will be passed~~ to the
vehicle's device control units to only a predefined set of permitted operations.

The Examiner rejects claim 1 under the same rationale as claim 6. See Office Action mailed 03/14/2005, p. 5, paragraph 16 (stating "*Colson* et al. teach the data processing apparatus as discussed above.") The Examiner then relies on *Carrillo* as teaching a wireless connection. As discussed above with regard to claim 6, *Colson* (taken alone or in combination with *Parrillo*) does not disclose the limitations of the claimed subject matter. Further, claim 1 discloses elements that are distinct from claim 6, which the Examiner does not address. Therefore, the

Examiner does not establish a *prima facie* case of obviousness for claim 1. The Examiner cites to *Colson's* registry 108 as disclosing claim 6's, and therefore, claim 1's, "gateway component." However, this rejection should not stand because *Colson's* registry 108 is not disclosed as controlling communications across the data communications link (bus 116). Further, registry 108 is not disclosed as limiting the passing of the operation requests from the second data processing unit (gateway 122) to the vehicle's device control units to only a predefined set of permitted operations. Therefore, the Examiner has not established a *prima facie* case that claim 1 is obvious over *Colson* in view of *Parrillo*, nor does a combination of the references disclose every element of claim 1. Therefore, claim 1 is patentable over *Colson* and *Parrillo*, taken alone or in combination with *Nathanson*.

Claims 9-11 stand rejected under the same rationale as claim 1. *See* Office Action, ¶ 17. Therefore, for the reasons stated above with respect to claim 1, claims 9-11 are patentable over *Colson* and *Parrillo*, taken alone or in combination. In addition, claim 11 is patentable because the Examiner has not established a *prima facie* case that either of the references, taken alone or in combination, recite elements, "wherein the secure resources include the vehicle's internal device control units." Therefore, claims 9-11 are patentable over *Parrillo* and *Colson*, taken alone or in combination with *Nathanson*.

Claim 2 stands rejected as obvious over *Colson* in view of *Parrillo* and in view of *Nathanson*, however, the Examiner does not establish a *prima facie* case that claim 2 is obvious over the cited references, taken alone or in combination, by pointing out with specificity where each of claim 2's elements are found in any combination of the references. *See* Office Action mailed 03/14/2005, p. 5, paragraph 18. The Examiner cites to a portion of *Colson* that discloses that a registry is stored on a CD-ROM; however, this portion of *Colson* does not disclose a list of "a predefined set of operations." Therefore, the Examiner has not established a *prima facie* case the claim 2 is obvious over the cited references, taken alone or in combination, and the cited references do not disclose every limitation of claim 2. Therefore, for at least the reasons discussed above with regard to claim 1, claim 2 is allowable over the cited references, taken alone or in combination.

Claim 8 depends from claim 6 and therefore recites the limitations of claim 6 with the added limitations that the external network is the Internet. As discussed above, *Colson*, taken alone or in combination with the other references, does not disclose every limitation of claim 6. With regard to claim 8, the Examiner relies on *Nathanson* as disclosing "the external network is the Internet." See Office Action mailed 03/14/2005, paragraph 19. The cited portion of *Nathanson* teaches that the system may incorporate Internet access technology for the drivers or passengers. See *Nathanson*, col. 4, lines 43-44. *Nathanson* discloses that a system may incorporate Internet access technology for drivers; however, *Nathanson* (taken alone or in combination with the other references) does not disclose that any second data processing unit is connected to the Internet such that operation requests can be received from the Internet (See claim 6). Therefore, claim 8 is patentable over *Nathanson* and *Colson*, taken alone or in combination with the other cited references.

Regarding claim 3, the cited references, taken alone or in combination, do not recite its limitations. Claim 3 depends from claims 1 and 2 and further recites "wherein the first data processing unit includes a static operating system environment in the gateway component of the first data processing unit runs in the static operating environment." Claim 3 stands rejected as obvious over *Colson* in view of *Parrillo* and in view of *Nathanson*, and further in view of *Serughett*. See Office Action, mailed 03/14/2005, ¶ 20. The Examiner cites to a portion of *Colson* that briefly describes "static configuration" but does not necessarily describe a "static operating system environment" as recited by claim 3. See Office Action mailed 03/14/2005, paragraph 21 (citing col. 4, lines 52-55). The Examiner further cites to *Serughett*, which mentions that a kernel can be statically defined. *Serughett* is a disclosure regarding an OSEK/VDX specification developed by a consortium of automotive companies and suppliers. *Serughett* explores whether the OSEK/VDX specification could be applicable in industries other than the automotive industry. As discussed below, there is no motivation to combine *Serughett* with the other references to reach the subject matter of claim 3. Therefore claim 3 is allowable over the references, taken alone or in combination.

Claims 1 and 4 stand rejected as obvious over *Colson* in view of *Carrillo*. See Office Action, paragraph 23. The Examiner improperly cites to *Colson's* "gateway" as disclosing claim

1's "first data processing unit" and *Colson's* "registry" as disclosing claim 1's "gateway." See Office Action, p. 7, paragraph 24. Claim 1's "gateway" is patentable distinguishable from *Colson's* "registry." Similarly, claim 1's "first data processing unit" is patently distinguishable from *Colson's* "registry." *Colson's* gateway 118 is a connection means between computing platform 102 and ECU 114. See *Colson*, col. 6, lines 16-20. gateway 118 provides a mechanism by which components and applications, running on the automotive computing platform 102, may communicate with the ECUs 114a-114e. In the present application, Fig. 1 shows first processing unit 20 and second processing unit 70. Each data processing unit has an associated "gateway" (items 50 and 180). Reading claim 1 in the context of the Specification of the present application makes it abundantly clear that *Colson*, taken alone or in combination with the other references, does not disclose every limitation of claim 1. Therefore, claim 1 is patentable over *Colson*, taken alone or in combination with the cited references.

Further, claim 1 recites "only a predefined set of permitted operations." The cited portion of *Colson* does not disclose a predefined set of permitted operations. See *Colson*, col. 13, lines 30-35. The cited portion discloses that an application sends a request to a lookup mechanism in registry. In response, a reference to a component matching the device is returned if the component is present in if the application is authorized to access the component. The Examiner has not cited to a portion of *Colson* that discloses that a "component" is a part of a "predefined set of permitted operations." Therefore, the Examiner has not established a *prima facie* case that claim 1 is anticipated by *Colson*. Further, *Colson* does not disclose every limitation of claim 1. Therefore, claim 1 is patentable over *Colson*, taken alone or in combination with the cited references. Claim 4 depends from claim 1, and for the reasons stated above with regard to claim 1, claim 4 is patentable over *Colson*.

Claim 5 stands rejected as obvious over *Colson* in view of *Carrillo* and in further view of *Serughett*. See Office Action, p. 7, paragraph 25. Claim 5 depends from claim 1 and further recites that "the first processing unit includes a Real Time Operating System." Further, "the second processing unit includes means for performing authentication of requestors and a gateway component for comparing all operation requests on the first processing unit with access control lists and for passing to the first processing unit only those operation requests which are permitted

for the respective requestors and discarding non-permitted operation requests." The Examiner has not established a *prima facie* case that claim 5 is anticipated by pointing out with specificity where each of claim 5's elements are found within the references. Specifically, the Examiner does not point out where in the references it is disclosed passing "only those operation requests which are permitted" and "discarding non-permitted operation requests." The cited references taken alone or in combination do not recite those limitations. Therefore, for at least the reasons cited above with regard to claim 1, claim 5 is patentable over *Colson*, taken alone or in combination with the cited references including *Serughett*.

No Motivation to Combine

In order to establish a *prima facie* case of obviousness, it is necessary for the Examiner to present evidence, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge that one having ordinary skill in the art would have been led to modify or combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300, 1301 (Bd. Pat. App. & Int. 1993); *Ashland Oil, Inc. v. Delta Resins and Refractories, Inc.*, 776 F.2d 281 (Fed. Cir. 1985). The motivation or suggestion to modify or combine references must come from one of three possible sources: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 47 U.S.P.Q. 2d 1453, 1458 (Fed. Cir. 1998). The showings must be clear and particular. *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teachings of multiple references, standing alone, are not evidence. *Id.*

The legal conclusion of obviousness must have a correct factual basis. *See Graham v. John Deere & Co.*, 383 U.S. 1 (1966); *In re Rouffet*, 47 USPQ2d 1453, 1455 (Fed. Cir. 1998). Where the legal conclusion is not supported by facts, it cannot stand. *Id.* A rejection based on § 103 clearly must rest on a factual basis, and these facts must be interpreted without hindsight reconstruction of the invention from the prior art. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). The patentability of an invention is not to be viewed with hindsight or "viewed after the event." *Goodyear Company v. Ray O Vac Company*, 321 U.S. 275, 279 (1944). The

proper inquiry is whether modifying or bringing them together was obvious and not, whether one of ordinary skill, having the invention before him, would find it obvious through hindsight to construct the invention. Accordingly, an Examiner cannot establish obviousness by locating references which describe various aspects of the patent Applicant's invention without also providing evidence of the motivating force which would compel one skilled in the art to do what the patent applicant has done.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. *See In re Geiger*, 2 USPQ 2d 1276, 1278 (Fed. Cir. 1987). *Ex parte Skinner*, 2 USPQ 2d 1788, 1790 (B.P.A.I. 1987). When the incentive to combine the teachings of the references is not readily apparent, it is the duty of the Examiner to explain why combination of the reference teachings is proper. Absent such reasons or incentives, the teachings of the references are not combinable. *Ex parte Skinner*, 2 USPQ 2d 1788, 1790 (B.P.A.I. 1987). It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992). The Examiner cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992). It is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the elements. *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 43 USPQ 2d 1294 (Fed. Cir. 1997).

Regarding claim 7, the Examiner has not provided sufficient motivation to combine or modify *Bossemeyer* and *Colson* (or their combination) to reach the subject matter. As motivation to combine *Bossemeyer* and *Colson* regarding claim 7, the Examiner states it would have been obvious "to implement *Colson* et al.'s invention in the network connected home environment as taught by *Bossemeyer* et al." Further, "One of ordinary skill in the art would have been motivated to perform such a modification in order to make applications independent of the network devices and enforce functionality through an industry-standard application programming interface to allow better portability." Each of the Examiner's motivations to

combine represent the Examiner's subjective opinions and are not evidence to combine or modify any combination of the cited references. The Examiner has not provided sufficient motivation as to why one of ordinary skill in the art would combine *Colson's* disclosures regarding modular computer-readable code with *Bossemeyer's* disclosures regarding home gateway systems to reach claim 7's subject matter including a first data processing unit, a second data processing unit, a data communications link, and a gateway component for controlling communications across the link wherein the gateway component limits the operations which can be performed at the first data processing unit to only a predefined set of permitted operations in response to requests from the second processing unit. Therefore, the Examiner has not established a *prima facie* case that claim 7 is obvious over *Bossemeyer* and *Colson*, taken alone or in combination.

Regarding claim 3, the Examiner has not provided sufficient motivation to combine *Colson*, *Carrillo*, *Nathanson* and *Serughett*. The Examiner states as motivation, "one of ordinary skill in the art would have been motivated to perform such a modification in order to ensure work of the applications without extensive testing." See Office Action mailed 03/14/2005, p. 6, paragraph 22. Again, these are the Examiner's subjective opinions and are not evidence that establishes a motivation to combine or modify any combination of references to reach the subject matter of claim 3. Therefore, the Examiner has not established a *prima facie* case that claim 3 is obvious over *Serughett*, taken alone or in combination with the other references. Claim 3 is therefore allowable over the cited references, taken alone or in combination.

Regarding the rejection of claim 5 over *Colson* in view of *Serughett*, the Examiner cites as motivation that it would have been obvious "to include a Real Time Operating System in the first processing unit as taught by *Serughett*." See Office Action, p. 8. Further, "one of ordinary skill in the art would have been motivated to perform such a modification in order to use a super-small operating system for deeply embedded applications." See Office Action, p. 8. These are the Examiner's subjective opinions and are not evidence that establishes a motivation to combine or modify *Colson* and *Serughett* to reach the subject matter of claim 5. The Examiner has not established a *prima facie* case that claim five is obvious over *Colson* in view of *Serughett* and claim 5 is allowable over the cited references, taken alone or in combination.

Conclusion

Claims 1-5 are currently amended. Applicants respectfully submit that all remaining claims are patentable over the cited art.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at 512-370-2851.

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